

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: Yolanda Pineda v Guillermo Martinez

Docket No. **295587**

L.C. No. **03-046653-DP**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is **DISMISSED** for lack of jurisdiction because the November 3, 2009 order is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Particularly, an order that merely denies a motion to dismiss an action cannot be a final order under MCR 7.202(6)(a)(i) because it does not *dispose* of any claim, but rather simply leaves the case pending. At this time, appellant may seek to appeal the November 3, 2009 order only by filing a delayed application for leave to appeal under MCR 7.205(F).

The motion to waive fees is **GRANTED** for this case only.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 12 2010

Date

Sandra Schultz Mengel

Chief Clerk